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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/690,982	10/22/2003	Robert C. Stowe	18360/268992	4692
826 7590 01/12/2009				
ALSTON & BIRD LLP				
BANK OF AMERICA PLAZA				
101 SOUTH TRYON STREET, SUITE 4000				
CHARLOTTE, NC 28280-4000				
EXAMINER				
CHEUNG, MARY DA ZHI WANG				
ART UNIT		PAPER NUMBER		
3694				
MAIL DATE		DELIVERY MODE		
01/12/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/690,982

Applicant(s)

STOWE ET AL.

Examiner

MARY CHEUNG

Art Unit

3694

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 November 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 8-13 and 22-26 is/are pending in the application.
- 4a) Of the above claim(s) 8-13 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 22-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Status of the Claims

1. This action is in response to the amendment filed on November 6, 2008. Claims 8-13 and 22-26 are pending. Claims 8-13 are withdrawn. Claim 26 is added. Claim 22 is amended. Claims 22-26 are examined.

Response to Arguments

2. Applicant's arguments filed November 6, 2006 have been fully considered but they are not persuasive.

In response to the applicant's arguments that Tanaka fails to teach "restricting access of the user terminal to a set of IP address associated with the website server at the gated network access system", the examiner respectfully disagrees. Tanaka teaches this matter by providing user access of website upon positive verification of the user's identification (¶ 102) and monitoring the user's access of IP or URL (see ¶ 182).

In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971). In this case, although Tanaka does not specifically teach the party who pays for the internet service is an owner or operator of the website server, Tanaka explicitly

states "it is possible to bill a company or the like which pays for the Internet connection service used by the member" (§ 91). In addition, the party who pays for the internet service is an owner of the website server is well known at the time of the claimed invention. For example, a patent examiner accesses USPTO website at work, and the internet service fee at USPTO is paid by the USPTO not by the examiner.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tanaka et al., US 2001/0025275 A1.

As to claim 22, Tanaka teaches a method comprising the steps of:

- a) providing access to a user terminal for a user to connect to a gated network access system of an internet service provider (ISP) via a network (§ 158 and Fig. 14);
- b) receiving a request to the gated network access system via the network from the user terminal access a website server (§ 158, 169);
- c) restricting access of the user terminal to a set of IP addresses associated with the website server at the gated network access system (§ 182, 69);
- d) measuring usage of the set of IP addresses of the website via the user terminal with a measuring device of the ISP (§ 89, 172); and

e) charging a party who pays for the internet service used by the user using a billing system of the ISP for the connection to the website server via the gated network access system, the party who pays for the internet service not being the user of the user terminal (§ 90-91).

Tanaka does not specifically teach the party who pays for the internet service is an owner or operator of the website server. However, Tanaka explicitly states "it is possible to bill a company or the like which pays for the Internet connection service used by the member" (§ 91). It would have been obvious to one of ordinary skill in the art at the time the invention was made to allow the party who pays the internet service in Tanaka's teaching to be the owner of website server for promoting the user to access the website server.

5. Claims 23-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tanaka et al., US 2001/0025275 A1 in view of Boucher et al., US 2003/0097306 A1.

As to claims 23-25, Tanaka teaches the user access website server as discussed in claim 22 above. Tanaka does not specifically teach the website server is a shipping entity that generating electronic shipping labels, display the estimate delivery time and the location of the package upon the user's web request. However, Boucher teaches the matter (abstract and § 6, 12, 21, 44). It would have been obvious to one of ordinary skill in the art at the time the invention was made to allow the user access website servers include a shipping entity as taught by Boucher for encourage various types of business entities to use Tanaka's method for better promote the access rate of their websites.

6. Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tanaka et al., US 2001/0025275 A1 in view of Official Notice.

As to claim 26, Tanaka teaches providing the user with the user terminal for accessing the website server as discussed in claim 22 above. Tanaka does not specifically teach the party who provides the user with the user terminal is the owner or operator of the website. The examiner takes Official Notice it is well known in the art for the owner of a website to provide a user terminal to a user. For example, a company provides a computer for the company employee to use so that the employee can access the company's website or intranet. It would have been obvious to one of ordinary skill in the art at the time the invention was made to allow the owner of the website to provide the user with the user terminal so that the user can use the terminal to access web information without purchase his/her own equipment.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Inquire

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mary Cheung whose telephone number is (571)-272-6705. The examiner can normally be reached on Monday – Thursday from 10:00 AM to 7:00 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell, can be reached on (571) 272-6712.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

The fax phone numbers for the organization where this application or proceedings is assigned are as follows:

- | | |
|----------------|---|
| (571) 273-8300 | (Official Communications; including After Final
Communications labeled "BOX AF") |
| (571) 273-6705 | (Draft Communications) |

/Mary Cheung/
Primary Examiner, Art Unit 3694
January 6, 2009